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APR 07 2004

Date April 07, 2004

Our File 33632-0312

To Legal Instruments Examiner

Company Commissioner for Patents

Fax number 1-703-872-9306

From William V. Vass

Number of pages  
including this one 5Original \_\_\_\_\_ By Mail \_\_\_\_\_ By Courier ☒ Not Sent

Message Re: UNITED STATES: Patent Application No. 09/419,923  
Applicant: Siemens Milltronics Process Instruments Inc.  
Title: ACOUSTIC PULSE ECHO RANGING SYSTEM  
Our File: 33632-0312

PLEASE CONTACT MANJU MENA AT (416) 868-1515 X253 IF YOU HAVE  
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PTO/SB/21 (02-04)

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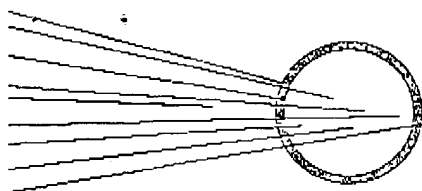
|   |                      |                        |            |
|---|----------------------|------------------------|------------|
| <b>TRANSMITTAL FORM</b><br>(to be used for all correspondence after initial filing) | Application Number   | 09/439,923             |            |
|   | Filing Date          | 10/18/1999             |            |
|   | First Named Inventor | Quinton Lyon           |            |
|   | Art Unit             | 3662                   |            |
|   | Examiner Name        | Daniel T. Pihulic      |            |
| Total Number of Pages In This Submission  | 4                    | Attorney Docket Number | 33632-0132 |

| ENCLOSURES (Check all that apply)   |  |   |
|---|--|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) | <input type="checkbox"/> After Allowance communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| Remarks<br><p style="text-align: center;">Response to Notice of Non-Compliant Amendment</p>   |  |   |
| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT  |  |   |
| Firm or Individual name   | William B. Vass, Reg. No. 36,416   |   |
| Signature   | <i>William B. Vass</i>   |   |
| Date  | April 7/04.  |   |

| CERTIFICATE OF TRANSMISSION/MAILING   |                                  |                  |
|---|----------------------------------|------------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. |                                  |                  |
| Typed or printed name   | William B. Vass, Reg. No. 36,416 |                  |
| Signature   | <i>William B. Vass</i>           | Date April 7/04. |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## RIDOUT &amp; MAYBEE LLP

Barristers & Solicitors  
Technology LawPatent & Trade-Mark Agents  
Intellectual Property Law

April 7, 2004

BY FACSIMILE: 1-703-872-9306

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
U.S.A.Attention: Legal Instruments Examiner

Dear Sir:

Re: UNITED STATES: Patent Application No. 09/419,923  
Applicant: Siemens Milltronics Process Instruments Inc.  
Title: ACOUSTIC PULSE ECHO RANGING SYSTEM  
Our File: 33632-0312

In response to the Notice of Non-Compliant Amendment (37 C.F.R. 1.121) dated March 19, 2004, the applicant submits the corrected section of a non-compliant amendment document. In particular, the applicant submits the entire "Amendments to the Claims" section of the applicant's amendment dated February 18, 2004. The enclosed "Amendments to the Claims" section clarifies that claims 1 through 7 are cancelled, without prejudice or disclaimer to the subject matter contained therein, and therefore the text of the cancelled claims need not be included in the amendment. In the applicant's respectful submission, the attached revised "Amendments to the Claims" section complies with the requirements of 37 C.F.R. § 1.121.

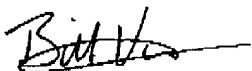
The Notice of Non-Compliant Amendment imposed a deadline of **April 19, 2004** for submission of a corrected section of the applicant's amendment. Accordingly, the applicant believes that no fees are required in connection with this submission. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 13-2400 for any

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additional fees required under 37 C.F.R. §§ 1.16 or 1.17, and particularly, extension of time fees.

Yours very truly,



William B. Vass  
Reg. No. 36,416

WBV:FDR:mm  
Encl.